IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

CRP.No. 424 of 2004()

SM.4/2002 of TALUK LAND BOARD, PONNANI
.....

REVN. PETITIONER:

T.M. CHERIYA PARAMESWARAN NAMBOODIRI,
TAVANUR MANA, TAVANUR P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:
---

1. THE TALUK LAND BOARD, PONNANI,
REPRESENTED BY ITS CHAIRMAN.

2. TAHSILDAR, PONNANI.

3. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.SHYSON P. MANGUZHA, GOVT. PLEADER

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 08/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP NO. 424 OF 2004

ORDER ON IA NO.1318 OF 2004 IN CRP NO. 424 OF 2004

DISMISSED.

08.08.2007 SD/- PIUS C. KURIAKOSE, JUDGE.

PIUS C. KURIAKOSE, J.

C.R.P. No. 424 OF 2004

Dated this the 8th day of August, 2007

O R D E R

In this Civil Revision Petition the petitioner impugns the order of the Taluk Land Board, Ponnani dt.29.12.03 in SM No.4/02. A counter affidavit has been filed by the Special Deputy Tahsildar, LR Thrissur and in Paragraph 6 of the counter affidavit it is stated as follows:

> "As against this order the above CRP is filed before the Honourable High Court. But on scrutiny of the order of TLB, some mistake was noticed by the State Land Board in the calculation of the ceiling area applicable to the assessee. The State Land Board held that since statutory family of the assessee consisted of six members, the ceiling area applicable to him only 11 standard acres as per Section 82(1) of the KLR Act. But the TLB had allowed the assessee to retain 12 standard acres of land in its order dt.29.12.03. So the State Land Board directed to reconsider the case by re-opening Under Section 85(9) of the KLR Act. In the above circumstances, the TLB has to re-open its earlier order and to proceed afresh in this matter. So the TLB has to set aside the order as per the direction of land board. Once the case is reopened the revision petitioner/his legal heirs can file his/her objection if any before the TLB. This fact may please be brought to the notice of the Honourable Court."

2. Considering the stand taken in the counter affidavit as quoted above, I dispose of the Civil Revision Petition issuing the following directions:

The 1st respondent Taluk Land Board is directed to re-open the case as directed by the State Land Board and issue notice to all legal heirs of the deceased Thavanur Manakkal Parameswaran Namboodiri, the original assessee. The petitioner is permitted to raise all the grounds raised in this Civil Revision Petition as and when he receives notice from the Taluk Land Board. The Taluk Land Board will pass fresh orders after inviting objections from those who appear in response to the notices and in accordance with law and after hearing all concerned. The order of stay presently passed will continue till such time as fresh orders as directed above are passed by the Taluk Land Board. In view of the stand taken in the counter affidavit, and what is stated above, I set aside the impugned order so as to enable the Taluk Land Board to comply with the directions given above.

PIUS C. KURIAKOSE, JUDGE

btt